

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
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SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL
PROTECTION**

February 17, 2015
8:30 A.M.
CONFERENCE ROOM 325

**HOUSE BILL NO. 1273
RELATING TO RENEWABLE ENERGY**

Chairperson Lee and Members of the Committee:

Thank you for the opportunity to testify on House Bill 1273. The purpose of this measure is to authorize development of hydroelectric facilities on agricultural lands, provided they comply with instream flow standards, are accessory to agricultural activities, and do not adversely impact or impede the use of agricultural land or the availability of use of water for irrigation on abutting parcels. The Department of Agriculture supports the intent of this measure and offers one amendment.

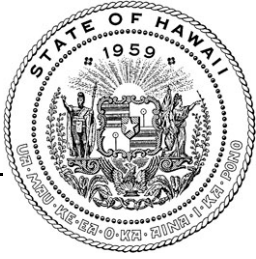
Many agricultural irrigation systems service lands beyond the properties abutting the irrigation system. For instance, the streams feeding Lake Wilson near Wahiawa on Oahu provides irrigation water to thousands of acres of north shore land many miles from the source of the surface water. We recommend the following amendment to item (C), page 19, lines 7-10 to reflect this.

" (C) Do not adversely impact or impede the use of agricultural land or the availability of surface or groundwater for irrigation use on ~~abutting~~ parcels that are served by the ground water



sources or streams for which hydroelectric facilities are considered."

Thank you for the opportunity to present our testimony.



DAVID Y. IGE
GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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Statement of
LUIS P. SALAVERIA
Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Tuesday, February 17, 2015
8:30 a.m.
State Capitol, Conference Room 325

in consideration of
HB 1273
RELATING TO RENEWABLE ENERGY.

Chair Lee, Vice Chair Lowen, and Members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) offers comments on HB 1273, which includes hydroelectric facilities as a permissible use on agricultural lands if the hydroelectric facilities are accessory to agricultural activities.

Permitting hydropower facilities in State Agricultural Districts, as long as the hydropower facilities are accessory to agricultural activities, could support Hawaii's agricultural industry by providing clean energy at a fixed cost for on-site agricultural operations.

DBEDT defers to the Land Use Commission and the other appropriate agencies regarding the provisions of this measure impacting the permitting of hydropower facilities.

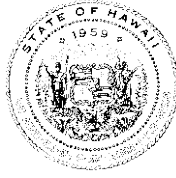
Thank you for the opportunity to offer these comments on HB 1273.

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lieutenant Governor

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Acting Deputy Director



LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

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Statement of
Daniel E. Orodenker
Executive Officer
Land Use Commission
Before the
Senate Committee on Energy & Environmental Protection
February 17, 2015
8:30 AM
State Capitol, Conference Room 325

In consideration of
HB 1273
RELATING TO RENEWABLE ENERGY

Chair Lee, Vice Chair Lowen, and members of the Committee on Energy and Environmental Protection:

The Land Use Commission would like to provide the following comments on HB 1273 that would make hydroelectric facilities, including the appurtenances associated with production and transmission, a permissible use under Sections 205-2 and 205-4.5, Hawai'i Revised Statutes (HRS):

In Section 1 of this bill the Legislature recognizes "...that Hawai'i's agricultural land is a fundamentally important and diminishing resource..." Currently, hydroelectric facilities being developed within the State Agricultural District would be required to go through the State Special Permit process. During this process a broad spectrum of both county and State interests must be addressed, to include but not limited to: public trust resources like water and Native Hawaiian traditional and customary practices.

Should hydroelectric facilities become a permissible use, the Special Permit process would not be required. It is unclear whether any other permit processes that might be required (such as an instream flow permit or stream alteration permit) would provide the same level of review and protection.

We are not aware of any recent cases of hydroelectric facilities being developed within the State Agricultural District that have had any difficulties with the State Special Permit process. Therefore it is unclear what specific problem this bill is attempting to address.

Thank you for the opportunity to testify on this matter.

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

TESTIMONY ON HOUSE BILL NO. 1273 RELATING TO RENEWABLE ENERGY

Submitted by Robbie Alm
President, Collaborative Leaders network

Chair Lee and Members of the Energy and Environmental Protection
Committee:

This bill is intended to facilitate hydroelectric facilities on agricultural lands. Hydroelectric power has a substantial number of advantages for agriculture as well as for Hawaii generally. These facilities provide electric power which can either be used on the lands themselves in lieu of paying the utilities for power or in appropriate cases, sold to the utilities. In either case, agriculture directly benefits from a resource which is already present and available. In addition, Hawaii benefits from a further reduction in the use of imported fossil fuels.

The agricultural water systems in the State are critical to the future of agriculture in Hawaii. No water and no systems to get the water to the fields means no agriculture in lots of cases. And yet there is often not enough income associated with these systems to adequately maintain them. Hydropower represents a significant opportunity to provide support for these systems.

At the previous hearing on the bill, suggestions were made by the Department of Agriculture and by the Department of Land and Natural Resources which are appropriate. These would make two changes. First, on page 19, lines 4 and 5: replace "instream flow standards established by the commission on water resource management" with "the State Water Code, Chapter 174C." And second, on page 19, lines 9

and 10, replace the last two words "abutting parcels." with "all parcels served by the groundwater sources or streams for which the hydroelectric facilities are considered."

Finding ways to support farmers and agriculture is critical and this bill will provide an important way to do so. With the changes noted above, I urge you to approve this measure.

Thank you for the opportunity to testify.

lowen2-Thomas

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 13, 2015 2:40 PM
To: EEPtestimony
Cc: rfreitasjr@hotmail.com
Subject: Submitted testimony for HB1273 on Feb 17, 2015 08:30AM

HB1273

Submitted on: 2/13/2015

Testimony for EEP on Feb 17, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Freitas Jr.	Individual	Support	No

Comments: I support this bill!!!

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February 17, 2015

HEARING BEFORE THE
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

TESTIMONY ON HB 1273
RELATING TO RENEWABLE ENERGY

Room 325
8:30 AM

Aloha Chair Lee, Vice Chair Lowen, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau Federation (HFB). Organized since 1948, the HFBF is comprised of 1,932 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

HFB supports the intent of HB 1273, which includes hydroelectric facilities as a permissible use on agricultural lands if the hydroelectric facilities are accessory to agricultural activities.

Renewable energy is important to the State's energy goals. Hydroelectric facilities can serve as a feasible alternative energy source to meet such goals. That being said, viable farming and ranching activities on agricultural lands must be maintained in order to retain agricultural lands for future generations. Lands capable of supporting viable agricultural activities should be protected and kept in agriculture. Hydroelectric facilities can provide the State with alternative energy options, as long as it is secondary to agricultural activities on agricultural lands.

Thank you for this opportunity to provide testimony on this measure.